

## REMARKS

This paper is filed in response to the Office Action mailed on February 6, 2007. Presently, Claims 1-21 are pending in the application. Claims 1-21 have been examined and stand rejected. Reconsideration of Claims 1-21 is respectfully requested.

Presently, Claims 1-21 are pending in the application. Claims 1-14 are directed to an image evaluation chart and Claims 15-21 are directed to a method for testing the performance of video equipment.

### The Rejection of Claims 1-14 Under 35 U.S.C. § 101

Claims 1-14 are rejected under 35 U.S.C. § 101 purportedly because the claims are directed to non-statutory "printed" subject matter.

Applicants submit that Claims 1-14 are directed to statutory subject matter because the claims recite structure. Cases have held that structure embodied in "printed" matter is statutory subject matter for patents.

*Ex parte Gwinn*, 112 U.S.P.Q. 439, 446 (Bd. App. 1955) stated that where the sole distinction of the claims from the prior art is in the printed matter, there being *no new feature* of physical structure and *no new relation* of printed matter to physical structure, such claims may not be allowed, and further held that where the claims define *either* new features of structure *or* new relations of printed matter to structure, *or* both, which new features or new relations give rise to some new and useful function, or effect, or result, the claims may properly be allowed.

*In re Jones*, 153 U.S.P.Q. 77, 80-82 (C.C.P.A. 1967) held that light and dark patterns, even though produced by some sort of printing technique, are not "printed matter," but can be elements of structure. *In re Jones* defined printed matter to be words, symbols or indicia intended to convey intelligence to a reader.

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

Thus, under either test of *In re Jones* or *Ex parte Gwinn*, the claimed image evaluation chart of the present invention includes structure that forms part of a machine or manufacture useful to test video equipment, for example. Accordingly, the claims are directed to statutory subject matter.

Therefore, the withdrawal of the rejection is respectfully requested.

The Rejection of Claims 1-21 Under 35 U.S.C. § 103(a)

Claims 1-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Application Publication No. 2000-224615 (Miyagawa et al.).

The Examiner states that the chart of Figure 3 shows all the features of the claimed invention except the regular-squared outer line located at the outside of the center point. The Examiner states that instead of a square, Miyagawa et al. shows a circle. The Examiner further states that, despite the differences, they both have the same effect on a display device when used as an evaluation chart. The Examiner states that the difference is strictly considered to be an obvious design choice. Hence, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to redraw the test chart of Figure 3 so that it could have a similar look as claimed. With respect to the balance measurement lines, the Examiner states that, although Miyagawa et al. does not specify the balance measurement lines, the Examiner takes Official Notice that using balance measurement lines for evaluation of a display device is well known in the art because it is one of the basic testing patterns. The Examiner states that to further enhance the test chart of Miyagawa et al., it would have been obvious to one of ordinary skill in the art at the time that the invention was made to redraw the test chart of Figure 3 so that the basic balance measurement lines could be included in the Miyagawa et al. chart.

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

### Claim 1

Claim 1 recites having a resolution inspection area, wherein the area includes: 1) a center point, 2) a regular-squared outer line located outside of the center point, and 3) a plurality of resolution measurement lines symmetrically arranged at right and left sections and upper and lower sections on the basis of the center point, wherein each of the plurality of resolution measurement lines is classified into a plurality of black-colored lines and a plurality of white-colored lines, the black-colored lines and the white-colored lines are alternately arranged while being spaced apart from each other at regular intervals, and the longer a distance from the center point to the regular-squared outer line, the larger a width of the resolution measurement line. Claim 1 has been amended to recite a plurality of position check points being symmetrically arranged in a diagonal direction to the center point.

The specification states that the position checkpoints 500 are particularly efficient when the chart includes only one resolution inspection area. (Page 14, lines 16-19.)

Because the Examiner has failed to discuss how or why Miyagawa et al. teaches or suggests "position checkpoints," arranged as in the claim, Miyagawa et al. cannot properly serve as the basis for a *prima facie* rejection.

Accordingly, the withdrawal of the rejection of Claim 1 and its dependent claims is respectfully requested.

### Claim 11

Claim 11 includes the features of Claim 1 and additionally includes: 4) a plurality of balance measurement lines displayed at individual positions corresponding to individual resolution measurement lines at the outside of the resolution inspection area located at the center of the chart, wherein a plurality of black-colored lines and a plurality of white-colored lines are alternately arranged while being spaced apart from each other by a predetermined distance, and

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1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
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5) a plurality of position check points arranged among the balance measurement lines in a diagonal direction to the center point.

Applicants respectfully traverse the Official Notice taken by the Examiner. Applicants submit that the prior art does not teach or suggest balance measurement lines *arranged as* in the claims. Miyagawa et al. does not teach or suggest the balance measurement lines *corresponding to individual resolution measurement lines at the outside of the resolution inspection area*, nor a plurality of position checkpoints *in a diagonal direction to the center point*. A proper *prima facie* rejection requires that the prior art teach or suggest *all* the claim limitations. Because the Examiner has failed to provide a reason how or why Miyagawa et al. teaches or suggests "position checkpoints" and "balance measurement lines," *arranged as* in the claim, Miyagawa et al. cannot properly serve as the basis for a *prima facie* rejection.

Therefore, the withdrawal of the rejection of Claim 11 and its dependent claims is respectfully requested.

#### Claim 15

Claim 15 is related to a method that includes preparing an image evaluation chart including: 1) more than one resolution inspection area being located in the vicinity of a first resolution inspection area, and 2) balance measurement lines displayed at individual positions corresponding to individual resolution measurement lines at the outside of the resolution inspection area located at the center of the chart. The method including steps for properly installing a lighting device to provide the chart with uniform illuminance, properly installing video equipment to allow the center of the chart to be aligned with the center of an image sensor of the video equipment, capturing an image of the chart, comparing a reference value for the chart with a real value created by capturing the chart image, and testing a variety of performances such as resolution, balance, view angle, distortion, and focus.

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CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

Miyagawa et al. does not teach or suggest comparing a reference value for the chart with a real value created by capturing the chart image and testing a variety of performances, such as resolution, balance, view angle, distortion, and focus. In particular, the claimed invention of Claim 15 conducts testing by *comparing* a reference value for the chart with a real value created by capturing the chart image. Miyagawa et al. conducts testing by an inspector recognizing patterns by visually checking the image displayed on the monitor. Thus, the invention of Miyagawa et al. is like the description of the prior art in the specification. Miyagawa et al. relies on the subjective opinion of each inspector to determine whether the image is suitable or not.

Accordingly, Miyagawa et al. does not teach or suggest comparing a reference value for the chart with a real value created by capturing an image. Therefore, Miyagawa et al. cannot properly serve as a basis for a *prima facie* rejection.

Therefore, the withdrawal of the rejection of Claim 15 and its dependent claims is respectfully requested.

Dependent Claims 2-5, 7, 9, 10, 12-14, and 16-21

The Examiner has not given reasons how or why the limitations of the dependent Claims 2-5, 7, 9, 10, 12-14, or 16-21, are met by the prior art.

It is respectfully submitted that the Examiner must give some reason or indication how or why the limitations of these claims are described in Miyagawa et al., or the Examiner must combine Miyagawa et al. with some other secondary reference and explain the reason why it would have been obvious to a person of ordinary skill to do so in the manner that is claimed, otherwise, a *prima facie* rejection can not be sustained.

Therefore, the withdrawal of the rejection of Claims 2-5, 7, 9, 10, 12-14, or 16-21 is respectfully requested.

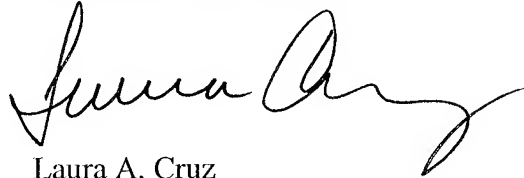
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1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

CONCLUSION

In view of the foregoing amendment and remarks, it is respectfully submitted that Claims 1-21 are in condition for allowance. If the Examiner has any questions or comments, the Examiner may contact the applicants' attorney at (206) 695-1725.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>

A handwritten signature in black ink, appearing to read "Laura Cruz", with a stylized flourish at the end.

Laura A. Cruz  
Registration No. 46,649  
Direct Dial No. 206.695.1725

LXC:jvb

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100